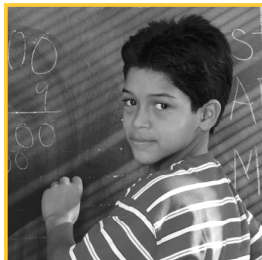


EPRRI *Issue Brief Six*

Opportunities and Challenges: Perspectives on NCLBA from Special Education Directors in Urban School Districts



*By: Kate Nagle
University of Maryland
and
Jinny Crawford
University of Maryland*



The Institute for the Study of
Exceptional Children and Youth
University of Maryland
1308 Benjamin Building
College Park, Maryland 20742-1161

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Issue Brief Highlights

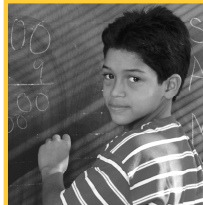
Almost two years after the No Child Left Behind Act (NCLBA) of 2001 was passed, many school systems are still struggling to implement the sweeping changes it requires to their educational system. Schools, districts, and states are held accountable for the achievement of all students on challenging content standards. The Act requires the participation of all students in state and district assessments, in specified subjects, at the grade level in which they are enrolled. Moreover, it authorizes both penalties and rewards based on participation and achievement levels, and calls for swift intervention for students and schools who do not meet performance expectations.

This Issue Brief presents the views of thirteen individuals, all in special education leadership positions in selected urban school districts in the United States, concerning the opportunities and challenges their districts face in implementing key NCLBA requirements for students with disabilities. Results from a survey and two focus groups reveal that although district leaders see opportunities for students with disabilities, many are facing significant challenges. These challenges are similar across districts despite differences in geographic location, district size, and student characteristics. Some specific issues relate to multiple themes, thus highlighting the complex nature of many topics within the field of education, particularly special education. Issues include:

- **Participation and performance of students with disabilities on state assessments**
 - According to our respondents, although districts ranged widely in their success in making Adequate Yearly Progress (AYP) for all students, in most districts no schools made AYP for students with disabilities. The possibility of sanctions encourages teachers and administrators to utilize various strategies to solve this problem, including placing low performing students with disabilities on the state's alternate assessment and referring struggling students to special education. District strategies include implementing extended school year programs and summer school. Some participants were cautiously optimistic that special education identification rates may decrease over time.
- **Personnel** – Many district special education leaders are struggling with the new requirement that all classes be taught by highly qualified teachers by 2005-06. Several participants expressed doubts that alternate certification programs were the answer to the problem. The difficulties in retaining and training principals in an atmosphere of high-stakes and strict accountability were also discussed.
- **Finance and resources** – The combination of the new federal mandates and budget deficits was of paramount concern to all participants. Some spoke of concerns with program cuts, increased referral rates due to a lack of targeted or remedial regular education programs, and inability to hire new teachers or to retain existing ones. Adequate funding was an area that all participating district special education leaders deemed critical to the success of NCLBA legislation.

- **Alignment of IDEA and NCLBA** – Some district leaders pointed out the difficulty in aligning NCLBA with the requirements of IDEA and the philosophy guiding special education practice. Specifically, they discussed a trend away from inclusion, regarded test-based accountability as being a threat to advances in providing least restrictive environment to students with disabilities, and feared a return to more restrictive placements. The logistical challenges involved with providing school choice transfers for students with disabilities, particularly for those in low incidence programs, were proving difficult to navigate.
- **Longevity of reform and timely access to policy guidance**– An additional challenge relates to the perception of some participants, particularly those from states with little experience of test-based accountability systems, that there was a lack of clear and consistent guidance at the federal and state level in how to implement some of the requirements of NCLBA. Results from this study reveal a lack of understanding on the part of district leaders concerning particular provisions of NCLBA. In addition, participants questioned whether this new initiative would last, or be quickly discarded.

i n t r o d u c t i o n



The Education Policy Reform Research Institute, (EPRRI), funded by the U.S. Department of Education's Office of Special Education Programs, investigates the impact of accountability systems on students with disabilities and on special education. EPRRI has a national focus on accountability and students with disabilities.

On January 8, 2002, President George W. Bush signed into law the 2001 reauthorization of the Elementary and Secondary Education Act, known as the No Child Left Behind Act (NCLBA). According to the Education Commission of the States (2002), this new law is a potent blend of new requirements, incentives and resources. NCLBA aims to increase student achievement, improve schools, provide parents and the community with better information, and close long-lasting and troubling achievement gaps between disadvantaged students and their peers (Cohen, 2002).

The requirements for standards and assessments are indeed rigorous, but largely build on the existing Title I requirements promulgated under the 1994 Improving America's Schools Act. However, for most states, the accountability requirements require them to chart a course into new and unfamiliar territory. NCLBA has significantly increased the role of the federal government in state education policy by requiring states to implement statewide accountability systems that cover all public schools and students; to meet specific deadlines on the scope and frequency of student testing; and to guarantee that every classroom is staffed by a teacher qualified to teach in his or her subject area.

Accountability systems must be based on challenging state standards in reading, mathematics, and later science, annual testing for all students in selected grades, and annual statewide progress objectives ensuring that all groups of students remain on a trajectory toward proficiency by 2013-14. Additionally, annual achievement objectives must be determined, met, and reported for student target subgroups, such as students with disabilities, those in minority groups, and individuals of limited English proficiency (LEP).

Adequate Yearly Progress Requirements

Adequate yearly progress (AYP) is met when three conditions are satisfied. First, no less than 95 percent of students in each subgroup must participate in state assessments at the school level (20 USCA. § 6311(b)(3)(C)(ix)(I)). Students with disabilities may participate in general assessments with or without accommodations or in an alternate assessment. NCLBA also includes the provision that the number of students in a subgroup must be of sufficient size to produce statistically reliable results for the 95 percent requirement to affect adequate yearly progress and must not reveal personally identifiable information about individual students (20 USCA § 6311 (b)(2)(I)(ii)).

Second, all students and each subgroup of students must meet or exceed the state's yearly performance objectives for the percentage of students at or above proficient on state assessments. A safe harbor provision at the school level allows a school to make AYP even if one subgroup fails to make the required progress if the number of students in that subgroup who are not proficient has declined by 10% and the subgroup has made progress on other academic indicators (20 USCA § 6311 (b)(2)(I)(i)).

Third, progress must be made on an additional academic indicator. At the high school level this indicator must be graduation rate, while at the middle and elementary levels the state determines the academic indicator (20 USCA § 6311 (b)(2)(C)(vi)).

School districts and schools that fail to make AYP toward statewide proficiency goals will, over time, be subject to improvement, corrective action, and restructuring measures aimed

at getting them back on course to meet state standards. Schools that meet or exceed AYP objectives or close achievement gaps will be eligible for State Academic Achievement Awards (20 USCA § 6311 (b)(2)(A)(iii)).

Students with Disabilities and AYP Requirements

Predictions concerning the difficulty of including students with disabilities in accountability reform have proved true (Cohen, 2002; Fletcher, 2003; Olson, 2002). The twin issues of participation and performance of students with disabilities on state assessments are the subject of considerable discussion; however, other areas of concern have emerged over time, for example, how to include students with disabilities who fall between the alternate assessment and the regular assessment, and inclusion in the state's accountability index of scores from an alternate assessment.

Students with disabilities who fall between the tests. How students with cognitive disabilities who are not eligible to take the alternate assessment should participate in state assessments remains unsolved. In a letter to the Council of Chief State School Officers, which underscores the fluidity of policy at the moment, Secretary Paige acknowledged this issue:

I realize that, in addition to students with the most significant cognitive disabilities, for certain other students with cognitive disabilities, the goal of reaching proficiency against grade-level content standards for reading and math also presents significant challenges. We are working on a comprehensive policy that better defines the group of students with disabilities for whom alternate achievement standards may be appropriate...Together, we can work to ensure that no child, including one with a disability, is left behind.
(Letter to the Chief state School Officers, June 27, 2003).

Including scores from alternate assessments. A second issue relates to how the scores of students with disabilities on alternate assessments that measure performance against alternate achievement standards are to be included in AYP calculations. Under the new regulations, states and school districts will have the flexibility to measure the achievement of students with the most significant cognitive disabilities against alternate achievement standards. (34 CFR 200.1(d)(1)(i)) and to include the “proficient” scores of these students proficient in the calculation of AYP (34 CFR. § 200.13(b)(1)). However, the number of proficient scores on alternate achievement standards at the LEA and state levels, separately, can not exceed 1.0 percent of all students in the grades assessed in reading/language arts and in mathematics (34 CFR § 200.13(c)(ii)). According to the discussion accompanying the final rule this limit is to ensure that alternate achievement standards are not used as a loophole to evade accountability for large numbers of students with disabilities (U.S. Department of Education, 2003).

This provision does not limit the number of students with disabilities who can take the alternate assessment and is not applied at the school-level. It is designed to ensure that only students with the most significant cognitive disabilities, as defined by individual states, are held to alternate achievement standards. In the earlier discussions accompanying the Final Regulations, the Department of Education reiterated that one of the bedrock principles of NCLBA is that all students can learn to high standards. Speaking specifically on the topic of students with disabilities:

Too often in the past, schools and LEAs have not expected students with disabilities to meet the same grade-level standards as other students. The NCLBA Act sought to correct this problem by requiring each State to develop grade-level academic content and achievement standards that it expects all students--including students with disabilities--to meet, and by holding schools and LEAs responsible for all students meeting those standards. (December 2, 2002, Vol. 67, No. 231, p. 71741)

Additional Requirements

Two additional areas of concern in terms of NCLBA compliance which hold particular relevance for students with disabilities are the highly qualified teacher and school choice requirements.

Highly qualified teachers. Another requirement that has been the subject of much discussion is the highly qualified teacher requirement of NCLBA. Any public school teacher who teaches a core academic subject must be highly qualified by the end of the 2005-06 school year (20 USCA § 6319(a)). Under NCLBA, a highly qualified teacher must have a bachelors degree, full state certification and licensure as defined by the state, and have demonstrated competency, as defined by the state, in each of the core academic subjects he or she teaches. Newly hired teachers in Title I schools must meet the highly qualified requirement immediately. Special education teachers must meet this requirement if they teach core academic subjects to their students. (Toolkit for Teachers, U.S. Department of Education, 2003).

School choice. NCLBA requires districts to identify for school improvement any school that fails for 2 consecutive years to make AYP (20 USCA § 6316(b)(1)(A)). For Title I schools this identification brings with it a list of prescribed sanctions to be imposed over time if the school does not improve. Sanctions include school choice, the provision of supplementary educational services, corrective action, and restructuring.

How the school choice requirement could impact special education funding and the provision of FAPE was addressed by the Department of Education in draft Non-Regulatory Guidance (www.ed.gov/offices/OESE/SASA/schoolchoiceguid.doc). The Department of Education pointed out that, "Federal special education funding is distributed to school districts, not individual schools. It is up to the school district to determine how that money is spent and how those funds are distributed among individual schools within the district." Addressing possible issues of providing Free and Appropriate Public Education (FAPE) under IDEA along with school choice, the Department of Education indicated in the same guidance that, "In offering choice to students with disabilities, school districts may match the abilities

and needs of a student with disabilities to the possible schools that have the ability to provide the student FAPE.”

This Issue Brief reports the findings of a survey and focus group conducted with a sample of special education directors, assistant superintendents, and supervisors. The purpose of the survey and focus group was to elicit the perspectives of special education leaders in urban school districts concerning the opportunities and challenges their district faces in implementing key NCLBA requirements for students with disabilities.

Method

An on-line survey was conducted by EPRRI's partner organization, the Educational Development Center (EDC), through its website in June 2003. The survey was sent to 26 individuals who are members of the EDC's Urban Special Education Collaborative and were registered for the Urban Special Education Collaborative's annual summer Institute. Eleven people responded, representing 10 school districts and 9 states, resulting in a response rate of 42%. Both open-ended and direct questions were included in the survey.

The first nine questions related to district characteristics including size, demographics, geographic location, and Adequate Yearly Progress results for the 2002-03 school year. The next three questions were open-ended, asking respondents to discuss in their own words the challenges and opportunities they had faced in implementing NCLBA and their predictions concerning the impact of budget deficits and minimum subgroup numbers for AYP calculations. In addition, participants were asked if they would be willing to participate in a series of focus groups based on survey responses.

Nine individuals participated in two focus groups held during EDC's summer institute. Seven individuals were survey respondents from districts located in Illinois, Florida, Massachusetts, New Jersey, Pennsylvania, Rhode Island, and Wisconsin. Two additional participants, from California and Georgia, were recruited by EDC to contribute additional perspectives and add geographical

diversity. The discussion questions and topics raised were guided by the survey responses; however, the format was relatively unstructured, and participants were encouraged to discuss any issues that they felt were relevant. The survey and focus group guidelines can be found at www.eprri.org.

Results

Characteristics of Survey Respondents' School Districts

Most survey respondents worked in primarily urban school districts that varied in size (see Table 1). Total enrollment figures ranged from under 10,000 (5 school districts) to 450,000 (1 school district).

To determine district wealth survey respondents were asked to report the percentage of students who received free and reduced meals (FARMS) (Table 2). Participant responses indicated a range of FARMS percentages. The majority of school districts reported moderate percentages of students receiving FARMS with 7 reporting percentages between 38% and 50%. Two school districts reported FARMS below 10% while two reported high levels of FARMS (90-100%).

| Table 1: Locale and Size of Participating School Districts | |
|---|----------------------------|
| Locale | Number (Percent of sample) |
| Primarily Urban | 9 (81.8%) |
| Primarily Suburban | 2 (18.2%) |
| Size (Enrollment) | Number (Percent of sample) |
| 10,000 or less | 5 (45.5%) |
| 20,000 – 50,000 | 3 (27.3%) |
| 150,000 – 220,000 | 2 (18.2%) |
| 450,000 | 1 (9.1%) |

Table 2: Percentage of Students Receiving Free and Reduced Meals (FARMS) and Percentage of Students Receiving Special Education Services

| Percentage FARMS | Responses |
|--|-----------|
| 10% or less | 2 (18.2%) |
| 38% – 50% | 7 (63.6%) |
| 90% – 100% | 2 (18.2%) |
| Percentage Students receiving special education services | Responses |
| 10% – 15% | 7 (63.6%) |
| 16% – 20% | 2 (18.2%) |
| 21% – 27% | 2 (18.2%) |

To determine the percentage of students receiving special education services we divided the number of students in special education in the district by the total student enrollment as reported by our participants. Data from Table 2 show that seven school districts served between 10%-15% of their total enrolment, around the national average of 11.5% (Twenty-Fourth Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act). Four school districts served more than 15% of their school population in special education, with two of these identifying over 25% of their total enrollment for special education services.

During the focus groups, we asked participants to verify their data relating to numbers of students served in special education. Participants from the 2 districts with well-above average identification rates explained that their districts were very small and had limited resources to support students at risk of failure. One of the few avenues for additional help in these districts was to identify a student as one with special education needs. One participant explained:

I'm also in a much smaller district, but our percentage of special ed kids is high- it's gone up over the years as our budget crunches have taken away every other support we have. We have no Title I reading, no Title I math, no services other than special ed. So, if anybody has difficulty in reading, writing, or anything else, it's generally special ed that has the only services in town. So our numbers are high.

We asked participants how many schools in their districts made AYP for all students and for students with disabilities. Although only 7 participants responded, the data in Table 3 reveal an interesting picture. Three districts, reported that over three-fourths of their schools met AYP for all students, with two of these districts reporting that 100% of their schools met AYP targets for all students. Of these three districts, one reported that 100% of its schools also made AYP for students with disabilities and another reported that 66% of its schools made AYP for students with disabilities. The third reported that, while all 4 of its schools made AYP for all students, none made AYP for students with disabilities.

Table 3: Number and Percentage of schools making AYP for All Students and Students with Disabilities for the 2002-03 School Year.

| Number of Schools in District | Met AYP Target All Students | Met AYP Target Students with Disabilities |
|-------------------------------|-----------------------------|---|
| 33 | 26 (79%) | 22 (66%) |
| 33 | 10 (30%) | 0 |
| 22 | 0 (0%) | 0 |
| 8 | 2 (25%) | 0 |
| 8 | 2 (25%) | 0 |
| 8 | 8 (100%) | 8 (100%) |
| 4 | 4 (100%) | 0 |

Of the remaining four responses, two districts reported that 25% of their schools made AYP for all students, while another reported that 30% of its schools met AYP for all students. The remaining district reported that none of its schools made AYP for all students. These four districts also reported that none of their schools made AYP for students with disabilities. This means that 5 out of 7 respondents reported that no schools in their district made AYP for students with disabilities.

During the focus groups we asked respondents for clarification if they had not provided us with data. One participant reported that the data would be available later in summer and another reported that she had only been able to locate AYP data for all students. We were unable to obtain information for the remaining missing data because the respondents from those districts did not attend the focus groups.

This means that 5 out of 7 respondents reported that no schools in their district made AYP for students with disabilities.

Opportunities and Challenges: NCLBA and Students with Disabilities

As part of our initial survey and during the focus groups we asked respondents to identify the opportunities and challenges presented by NCLBA. Results from the survey revealed several common themes: (1) participation and performance of students with disabilities on state assessments; (2) issues related to personnel; (3) finance and resources; (4) alignment between IDEA 97 and NCLBA; and (5) longevity of reform and timely access to policy guidance.

Participation and performance on state assessments

Given that students with disabilities constitute one of the disaggregated subgroups expected to participate fully in the assessments and meet grade-level proficiency standards, it came as no surprise that participants repeatedly expressed concerns about participation and performance requirements and the implications for schools and districts. One individual explained that the district had some high performing schools that this year did not make AYP for students with disabilities and that this put pressure on special education:

Adequate Yearly Progress is definitely difficult for us. This past year, we didn't in the papers do the disaggregation numbers, but we did them later. And, as you have seen, of course, the students that are doing worse are students with disabilities. We've had a couple of high scoring schools that, when they disaggregate, will now be low performing, and they're not happy. Puts pressure on special education, certainly.

Adequate Yearly Progress is definitely difficult for us ... The students that are doing worse are students with disabilities.

Another participant explained that a number of schools in her district had failed AYP for several target populations, and that this sent the message that schools were not working for many students:

One good thing for me personally in our system is, when a school did not make AYP this year, it was not only because of special ed. The problem is that some schools are obviously not meeting the needs of the African-American students, because they failed, and not meeting the free lunch kids' needs, because they failed. They don't all belong in special education and I wasn't sitting there with everyone looking at me as the downfall of the school system.

During the focus group participants discussed the impact of subgroup size on whether a school was required to meet AYP targets for specific groups. Given that states have chosen fairly large subgroup sizes, many individual schools did not have large enough target populations to be held to the comparable improvement requirement. However, numbers at the district level were frequently large enough to require AYP for target groups. One participant said that it would be interesting to see how districts addressed this with schools and recalled a similar situation in regard to LRE rates:

Well, that's a very interesting dilemma, because in all reality, as a district person, it's very difficult when you've got the accumulation of data like that. And principals can say, well, you know, my school really doesn't have a problem with AYP, when the schools collectively really do. That is an interesting issue because it's going to be very interesting to try to trickle that down back to the responsibility of the school. We tried for years through training and other work to get the principals to buy into improving their inclusive practices. And it wasn't until the former superintendent, got into a principal's meeting, and he said, "If you think I'm not talking to you, I'm talking to you- to the principals." None of them were paying any attention; they all thought they were doing a great job- so it really took the superintendent's intervention to make the principals pay attention. It really did take that level of authority.

Many participants voiced concerns over the consequences of including students with disabilities in the assessment system, especially low performing students. The term “grey area children” is frequently used to describe this population who are not really eligible for participation on the alternate assessment, but struggle on the regular assessment. According to the final regulations from January 2004 all students with disabilities, other than students with the most severe cognitive disabilities, must be measured against grade-level achievement standards.

Several participants explained that school administrators tried to reduce the number of students with disabilities who participate in the regular assessment to protect their school ratings. One participant explained:

We encourage the principals not to pressure the teachers to try to put them on the alternate assessments. They were so afraid, and at one point it was okay to do inclusion but now they're saying...we don't want inclusion now because these kids are going to bring our passing percentages down...They're scared to death that this is really going to bring them down and they're going to be on the list of failing schools. Everyone's scared out of their wits.

This sentiment was echoed by a participant from a different state who described how other districts in the state were trying to prevent IEP teams from moving low performing students with disabilities onto the alternate assessment:

Some school districts, not ours, have policies that if students with disabilities take the general assessment the first time, they must continue on that route because you felt that at the IEP meeting, or the IEP Committee, that they were competent to do it in the first place, so just because they didn't, you don't come back to the IEP meeting and change that objective. So, it's been an interesting controversy.

They're scared to death that this is really going to bring them down and they're going to be on the list of failing schools. Everyone's scared out of their wits.

Another participant from a different state commented that moving students with disabilities to the alternate assessment to protect their ratings meant that students with disabilities did not have many opportunities to practice taking the regular assessment anymore:

We've really struggled with our principals at this point in time to keep kids on the regular test because the scores are reported to the taxpayers as to whether or not you are an exemplary school or recognized school, just a regular old school, and then there's the "failure schools." And so, it's all very public, and people are very nervous and want to throw the kids on the alternate assessment, even when I always advocate, "practice, practice, practice." How can they take the regular test and pass the test if they haven't had the opportunity to practice it?

How can they take the regular test and pass the test if they haven't had the opportunity to practice it?

On the same issue, another participant explained that there were specific criteria for the alternate assessment and that compliance was closely monitored:

Now, we do have specific criteria for our alternate assessment and if our students are given any type of functional curriculum, those are the students that would go on the alternate assessment. Any other student would have to take the regular assessment. And as a safe way of guarding that, I get a printout - by school and exceptionality - of the number of students that are taking the alternate assessments. And you can easily look on there; if I see a large number of LD students- come on, give me a break...

On the positive side, other participants commented that NCLBA supported ongoing special education reform in their states. For example, one participant explained that NCLBA reinforced current reform, which was already directed at increasing participation in the regular assessment and increasing graduation with a regular diploma:

We've for several years had state standards and a high-stakes test in place, and for the last 5 years, we've been attempting to increase the numbers of students with disabilities who are participating in that test. And that's just been a major mind shift for many people. We have both a standard diploma and a special diploma. And the special- we have special standards, very specific standards, for students with disabilities who choose to take that route. We're trying to get more students on the standard diploma route because of the requirements of the universities and the trade schools now. So that's kind of already where we are with NCLBA.

Personnel concerns

All of the participating district leaders expressed apprehension concerning their ability to recruit and retain school staff as a result of NCLBA legislation, particularly the requirement that schools have a highly qualified teacher in every classroom by 2006. Other concerns included a shortage of principals and a shortage of paraprofessionals.

The most frequently expressed challenge for the respondents in terms of personnel was meeting the requirement for a highly qualified teacher in every classroom. Five of the 11 survey respondents included training, finding, and retaining "highly qualified" or "certified" special education personnel as one of the three most challenging requirements for their district. One participant commented that schools and principals were really struggling with the highly qualified teacher requirement and that they had not found a solution yet:

Individual schools and the principals are struggling with these requirements regarding highly qualified personnel; they are really struggling because they don't know how they're going to do it. And when I'm telling them, we have to have more general education skills, they're saying, "how am I going to do this?" So, we haven't figured out all that as yet.

Several districts adopted the solution of hiring individuals who were enrolled in alternate certification programs to meet the highly qualified teacher requirement. Individuals enrolled in such programs are college graduates who are interested in teaching, but do not have a background in education. One participant described how the district developed alternate certification routes for special education teachers with local universities because they could no longer hire teachers on emergency credentials:

In special education we used to have emergency credentials. This year the Superintendent said that we weren't going to have any more emergency credentials. So we scrambled around to develop intern programs with the universities. So we have 5 universities that have active intern programs- special education intern programs with us. So they get mentorship from the universities and they also get mentors from our school districts. So a lot of these folks are coming in, with having a summer of some of the basics. They've had enough of the law to get the concept of an IEP. And then they have 40 hours of survival pedagogy the week before school. So, that's kind of what happens when you walk in the door. That's been really something.

Another participant expressed concerns over the quality of the alternate certification program, but added that the program standards had been recently revised to address teacher pedagogy and content knowledge:

Our alternative certification program, which we capture a lot of new employees from, has been relatively weak, and they've rewritten the standards that teachers have to achieve in order to get their degrees. It's really a very interesting way that they've rewritten the standards; it's what they need to know and what they need to do. So they have to be competent in both the knowledge and the actual process in teaching and learning before they really can be certified.

Another participant commented that the alternate certification route can produce excellent teachers, but that the requirements have increased and the work load is very demanding:

Teacher licensing is a big issue because we hire limited license teachers- some of my best teachers I've hired are limited license only teachers. They didn't graduate with a college degree in education; but they have a college degree and they have the interest in being a teacher. They have to teach full time, in a subject matter that they know nothing about. Now this summer I've had to tell them, by next fall, the fall of 2004- now you have to take 15 credit hours instead of 6. So they have to teach full time, they have to go to meetings so that I can help them learn about the subject matter, and get the 15 credit hours.

The need to increase the content knowledge of special educators was addressed by several participants. For example, one participant explained: "We're working on trying to help the special education teachers better understand the general curriculum requirements." An additional solution suggested by one participant was to intervene at the teacher preparation level and create combined regular and special education programs:

I would like to see more of a meshing of the teacher preparation in general and special education happening in colleges. Because good instruction is good instruction is good instruction. It doesn't matter if Harry's a special ed teacher and I'm a general ed teacher. Good instruction is good instruction.

Other respondents addressed the issue of retaining experienced teachers. One respondent explained that experienced teachers were leaving the profession because student numbers were increasing at a time when resources were decreasing:

The double whammy of unfunded mandates and cuts in personnel with the expectation that services and quality of services would remain the same in spite of increasing student numbers has caused many veteran educators to toss in their hats and retire.

I would like to see more of a meshing of the teacher preparation in general and special education happening in colleges. Because good instruction is good instruction is good instruction.

During the focus group participants spoke at length of the challenges they faced in helping their teachers, particularly special educators, meet these new requirements by the deadline, especially given the fact that many special educators at the high school level do not have a content area specialization:

In the fall of 2006, if they teach at the high school, and they teach a class, say in government, in the special ed department, they have to have a government license and a special ed license. That's a pretty unrealistic expectation for us as the universities in my town are not addressing that in the short haul. Maybe in the long haul, but in the meantime, I have kids that won't have a highly qualified- what's considered a highly qualified- teacher. And in some cases just because you have a degree doesn't mean that you do a very good job.

An additional challenge discussed by several participants related to the shortage of highly qualified principals. Participants were in general agreement that people did not want to be principals anymore because of the level of remuneration and the pressure of the position.

One participant commented:

I'm looking for two elementary principals right now as we speak and I don't expect to find any great candidates, I'll be quite honest with you. With the pay that we pay principals people don't want to move into those jobs. People don't want to work the kind of hours those people work with the kind of responsibility they have with a less than grateful community. There was a time when you'd see a lot of people in the teaching ranks hoping to move up to the principalship. That's not the case anymore. So, yeah, I think there is a shortage of people in administration. I think it's going to continue until there's recognition from people that you do a good job, and it has some level of prestige.

Several participants described how performance-based accountability reform was having a negative impact on principals as they were blamed when their schools did not make progress quickly enough. One participant explained:

With the pay that we pay principals people don't want to move into those jobs. People don't want to work the kind of hours those people work with the kind of responsibility they have with a less than grateful community.

Our state's grades for principals are based upon the percentage of students that scored level 3 or above. So even though a principal may move students, may have good leadership and have teachers that make a difference with kids, if you still don't get enough kids percentage-wise who score on level 3 and above, pretty soon that principal is moved, and they get smeared all over the newspaper, and every student in that school has the choice of moving to another school in the district, and they bring in a new principal. The state keeps ratcheting up the numbers; every year it's a higher number for getting a level 3 or above- next year is another year that it's going up.

Another participant echoed these fears:

The accountability piece is just overriding everything else. And the tests do this. And there're so many things over which you have no control. And that, coupled with the diminishing resources available to do the things that need to be done. The principals have become more of a business manager-type situation, and when those numbers don't match up and they're not able to do whatever, they get reamed out about those kinds of things, and all reference to the improvements in the lives of children are forgotten, or just ignored, because they're so worried about the red and the black line matching up. And it's just, it's really pathetic. I see the principals getting stung, and they're catching it like I don't know what.

All reference to the improvements in the lives of children are forgotten, or just ignored, because they're so worried about the red and the black line matching up.

Finance and resource concerns

One of the questions on the initial survey specifically addressed the impact of a financial shortfall on the ability of districts to make AYP and close the achievement gap between general education students and students with disabilities. All eleven participants responded to this question, highlighting district concerns regarding the cost of meeting NCLBA requirements at a time of severe budget shortfalls. Issues discussed include the impact of budget

cuts on recruitment and professional development for regular educators with inclusion students; a lack of funding for some remedial programs; and an increase in referrals to special education.

Survey respondents predicted that budget shortfalls would have a definite impact on the ability of their districts to meet the requirements of NCLBA. For example, one participant wrote that there had been a reduction in programs and/or professional development opportunities directed toward improving inclusive practices for special education students and providing remedial support. Another participant wrote:

Financial deficits have caused us to lose valuable school supports necessary for improving instructional decisions and test taking efforts. Closing the achievement gap is very difficult unless we can provide inclusive teaching strategies for all populations, which need financial support to adopt viable options for meeting AYP.

Another respondent noted that “a lack of funding directly impacts our district’s ability to have smaller class sizes and to hire the teachers needed.” Echoing these fears another respondent noted that “Larger class size will have an effect on recent efforts to have all students gain access to the general curriculum.” Participants also mentioned concerns about personnel, specifically an increase in teacher turnover rates and a reduction in the number of teachers they could hire. Another respondent expressed his concerns more broadly, simply stating that “we already have a shortfall. It will make it worse.”

Some district leaders pointed out that they did not have money to support remedial programs in general education and that when students failed the reading test or the mathematics test they were immediately referred to special education. One survey respondent complained that “Students identified on assessments as having difficulty in reading are being referred in large numbers for special education services. Because of cuts we have only limited services for remedial reading and remedial math.”

Students identified on assessments as having difficulty in reading are being referred in large numbers for special education services.

A focus group participant echoed this sentiment, saying: “We have every student evaluated for reading in all the elementary schools, four times a year. That makes my referrals go up, because if they can’t read there’s nowhere else to go.” Another participant elaborated further: “you kill a reading program off because it’s not mandated, and you know, kids go to special ed. If they stick around long enough, they’ll look like an LD kid.” The issue of ensuring funding and school supports for struggling students by way of a special education label was mentioned by others as well, with one commenting that “it becomes an in-played battle, where you see resources going away in some areas [and] coming up in others-you know, philosophical differences as to what is a better utilization of the money.”

On the other hand, some participants predicted that the long-term impact of NCLBA would be a reduction in special education numbers as struggling students would receive help before they ever got to special education. One participant foresaw that “because of the need for the academic improvement plan for all students in this district, I see that where before, interventions were dumped on you on the way to get your pre-referral form filled out, now students will get the kinds of interventions that will make a difference and keep them in the regular classroom. And they won’t have that label.” Others agreed, with one adding that “special ed has become, I think, a place for kids to go because of lack of other programs.” Another participant explained:

I think there is hope for the future. For kids who are at risk we have a pre-intervention program. And we’re trying to make sure that these alternate instructional strategies are used in looking at learning styles of kids, as well as the teaching styles, in order to try to reach a variety of children. And, ultimately, it hopefully would mean a reduction in the numbers of children referred.

I think there is hope for the future. For kids who are at risk we have a pre-intervention program. And, ultimately, it hopefully would mean a reduction in the numbers of children referred.

Yet another perceived signs of progress already.

I'm hopeful that because of No Child Left Behind we will start looking at some alternative interventions or alternative instructional plans. I've had difficulty with our reading department implementing effective programs for kids, because they want to work simply with whole word instruction with kids, no matter how difficult they are. We've been able to start with curriculum-based measurement and pre-referral measures and we have had incredible success with it... I am very hopeful that we will actually have some reduction in special ed. numbers.

Another participant, while agreeing that the long term of impact of NCLBA could be a reduction in special education numbers, prefaced this with the need for consistency in federal policy:

So, you know, if they stay the course and put funding into it, I would think that you'd see a drop in the number of kids in special ed programs. If they don't, we would continue to see special education referrals increase. The trend has been to broaden the categories of kids, you know, allowing more and more kids special ed programs. You know, parents and teachers don't want kids to be left behind, in any sense. Before they even said No Child Left Behind, people didn't want their kids to fail. We want kids to succeed; we want kids to do well. But I think that if they stay the course, they'd have less kids in special ed.

Interestingly, other participants described how NCLBA had been the impetus for positive changes in their districts. One participant described a series of initiatives put in place by the new superintendent to support students at risk of failure:

We want kids to succeed; we want kids to do well. But I think that if they stay the course, they'd have less kids in special ed.

We had a new superintendent last year. So everybody is still kind of reeling from this changeover. He is a very dynamic, energetic goal-directed man who likes to get things done. There have been a lot of things that were put into place. He has established that there will be a standardized curriculum across the city, which is something we haven't had for a while. He did implement extended school day, and this year, we have summer school taking place. Now all the students attending extended day and summer school are there based on their performance on the test. One of the things of course that faces us are the budgetary crunches. There's been lots of money that's been made available for those programs I just mentioned; however, in reference to the [big] financial picture the principals are really hurting in reference to the cutbacks.

Another participant described a pilot reading program in the district that was going to be expanded district wide. One district began a pilot summer reading program in 10 schools and plans to expand it:

We did this reading program in 10 schools this summer for the summer program, and are increasing that by doubling the number of schools. So it will be very interesting to see what the performance of the kids is on the reading scores on the standardized assessments after. So that will be a significant number of students to get reliable data to see if it is very effective, but I don't know what the long term success rates are. That's what I'm fearful of.

Alignment of IDEA and NCLBA

All participants expressed concern regarding alignment between IDEA and NCLBA. For some respondents, compliance with IDEA was at the forefront of their minds. As one focus group participant put it:

To be absolutely honest, in reference to issues with students with disabilities, I have to say most of my emphasis is still in reference to the compliance regarding IDEA... And all of those things regarding No Child Left Behind will come into play, but the issues of IDEA and what the letter of the law says in reference to compliance, instruction, least restrictive environment... That's where the focus has been.

One participant confided that she did not know very much about NCLBA and attended the focus group to try and find out what to do:

I thought at first, like the other special education directors in this area did, that this was going to be regular education, that I wouldn't have to be too concerned about it. So with No Child Left Behind, I haven't really been involved; I thought that was under the aegis of the principal. Then, when I filled out the survey, I realized I wasn't even able answer a couple of the questions. I asked the superintendent for a way to find the adequate yearly progress for the regular ed. kids. I couldn't find the information for the kids with disabilities. So I'm here to really learn how to deal with the special education perspective, what I need to do here.

Several areas of tension between IDEA and NCLBA were discussed during the focus groups. Issues included assessing students with disabilities on their instructional level rather than grade level as required by NCLBA; problems with the alternate assessment; the impact of NCLBA on inclusion and special education services; and meeting the school choice requirement for students with disabilities.

The issue of assessing students with disabilities on their grade level rather than their instructional level was discussed earlier in this piece in the context of meeting AYP performance requirements. It also figured prominently in conversations related to the alignment of these two pieces of federal legislation. Several participants expressed the view that assessing some students with disabilities on grade level standards was pointless as these students would

To be absolutely honest, in reference to issues with students with disabilities, I have to say most of my emphasis is still in reference to the compliance regarding IDEA...

fail the test. According to one participant the state assessment did not address the needs of some students and was leading to an increase in complaints from teachers and parents:

So what do I do? Do we force the kids to take the test that does not really address their needs, and doesn't tell you anything other than they failed? And that is a big frustration, from the students' point of view. Teachers are complaining and parents too. The parents don't want their students engaged in the testing.

In addition, several participants expressed frustration with the alternate assessment in their state. One participant explained that the alternate assessment was so complicated that teachers did not want to administer it and, moreover, the assessment kept being changed. This participant also concluded that the only purpose of the alternate assessment was to meet the testing requirement:

We have an alternate assessment program, a portfolio system, which is very involved. Every year, the state changes what they ask for, so teachers can't even get in a rhythm. So I have teachers who are opting out on grades 4 or whatever grades that the kids are evaluated, they'll run out of there because they don't want to do that. I can't say I blame them. The way they evaluate it this year is different than last year, so they're just totally frustrated. So they can't even get a measurement going and look for any trends, because you didn't test the same thing each year. You can't even use the portfolios [to monitor student progress] - there's no point in the whole portfolios except to meet that testing requirement so they don't get a zero.

Another participant from a different state expressed similar concerns regarding that state's alternate assessment:

The interesting thing is we were getting directions from the state the week before the test started. They put the directions on DVDs that we got 2 weeks before the testing window, and then they changed stuff after they had done the

DVDs. And of course, we don't have DVD players in the schools, because we have a massive billion dollar deficit, so thank you very much! I don't think I've even seen the results yet- and next year they've already told us they're testing something entirely different.

Several participants expressed concern that NCLBA AYP requirements were working against one of the bedrock principles of recent special education reform, that of inclusion. One participant pointed out that teachers in testing grades were reluctant to have students with disabilities in their classroom:

We have a lot of inclusion; we've done really well. I started 15 years ago when I was a resource teacher with a program bringing back our students. Now, the fourth grade teachers don't want them because they count against them. In the past because every student in special ed is a regular ed student first they were on a regular ed roster and teachers didn't really pay attention to- it wasn't a big deal- "Who cares? Put him on my roster- the kid's not really there in the classroom that often, so instead of 25 kids, I really, for the most of my teaching I really have 20." It worked out really well. So they were happy to take them. Now they count. So, we've seen a lot of that- it's very frustrating.

This view was repeated by a participant from another state:

We have to sort of barter and plead and beg with the principals- please find a space for your special education kids. But they asked, "Why are your kids coming to our school?" And I said, "but they belong to you. These are the addresses, and they are zoned for your school." The only ones that might be out of zone are the low-incidence- no one of course wants the self-contained emotionally and behaviorally disordered students, but two of those kids, or three of them, they belong to you.

We have a lot of inclusion; we've done really well. Now, the fourth grade teachers don't want them because they count against them.

Another participant expressed the fear that, because of how students with disabilities were counted in the accountability system, self-contained center programs could return.

I'm really afraid that one of the downsides of NCLBA is center schools.

Principals don't want an Emotionally Disturbed class in their school, they don't want it, you know. And I just- I picked where they'd go, because I knew I wouldn't get any volunteers- so I fear that we'll go back to center schools. We have a whole separate school system where emotionally disturbed students go to. I just think it's horrible. I mean, how can you have 400 ED kids in a center- and they never see their peers; they never see any natural peers? And they ride on the bus forever. And the school system writes a check, and that's how it is.

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A third area of concern that emerged from the focus groups was that of implementing school choice. The consensus from the focus groups was that the school choice requirement was proving to be a logistical nightmare, as special education planning was completed before schools and parents were notified that they had school choice for the upcoming year. This meant that allocation of resources and transportation services had to be revised to accommodate new placements resulting from parent decisions to utilize their school-choice option. As one participant explained: "You know, it just disrupts everything now. Like you're starting from scratch all over again." Another participant expressed the opinion that although her district had planned ahead, they really had no control over events and ended up looking disorganized:

This year we felt really glad that we did our articulation early, and everything went really smoothly. We thought for once we were going to start this school year looking like we knew what we were doing. Then the letters about school choice went out and it gives the impression that we don't know what we're doing, we're disorganized. You know, we're not, but factors that we have no control over always ruin it and it's because we're so reactionary.

Another participant discussed the impact of choice on directing funds toward the receiving schools:

On the applications for school choice, they can't ask them if they're special ed. I was just talking to a principal who has 35 NCLBA kids that she accepted in her school, because she has to accept them if she has the room. Well, then they look through the records, and they're finding out that these kids are special ed. Because in our district, it's the lowest kids get school choice and in our district, of course the lowest of the low are the special ed kids, so a lot of them are special ed and then all of a sudden they're bumping up those numbers in schools where they didn't have the allocation before. So, at the last minute after we've sort of done all of our articulation and planning for next year, we're going, "No, wait a minute. That school needs more allocation " But we can't figure out where they came from to get the allocation to move it.

Another participant discussed school choice in the context of program placement and transportation:

Let's say that we get kids in our life skills program, it's our severely handicapped program. The chances are that that class is already full in many schools- that's the way it starts. So the parent's applied there under school choice, been accepted, now we go, "oops- that was a life skills kid." Then we have to find a high performing school near the one she asked for, so you get transportation patterns that didn't exist and the cost of transportation is huge.

Other participants said that they had not experienced many problems with school choice as few parents had exercised this option. One participant said that she had been worried beforehand, but in her district, despite numerous mailings to parents, few had opted for school choice because of the transportation issues:

The parent piece, in reference to having that ability to transfer their child from a low performing school- We have 250 schools and it was going to be impossible to try to do that wholesale. So, we kind of, we made a stab at it, but in actuality, after all the public announcements and letters home- 3 different times did they do mass mailings to 35,000 families, and they didn't get much of a response because when it got down to it, many families were not willing to put their babies on the bus.

Timely access to policy guidance and longevity of reform efforts

Two additional themes that emerged from the focus group discussions related to the level of understanding and guidance that the districts received from their states and/or the Department of Education and a belief that reform efforts would be abandoned. Respondents from states that were new to performance-based accountability reform spoke at length of their frustrations with the direction and guidance that their districts received, both at the federal and state level. One participant summed up his frustrations this way:

I guess from my perspective, I'm not sure the state understands No Child Left Behind clearly. Or if they've got a pretty good handle on it they haven't been able to articulate that to the districts. So I think that we're at a point of still waiting to hear from them about what are the expectations. I mean, they come out with something one month, and then the next month, they say, "We're going to change that a little bit. That's not exactly what it is; it's going to be different." I know they've spent quite a bit of time with the Feds negotiating the plan for No Child Left Behind, which leaves us up in the air, so that's had a lot of impact on us. We're kind of, in some respects, I'm not saying a holding pattern, but information keeps changing.

I guess from my perspective, I'm not sure the state understands No Child Left Behind clearly. Or if they've got a pretty good handle on it they haven't been able to articulate that to the districts.

Another participant thought that delay was at the federal level and that the state was slow in responding because they did not get the answers to pass on to the districts.

We find that the state's been very slow in responding, the answers are not forthcoming about exactly what they're looking at; they're not getting answers from the federal government, so we're not getting answers. They don't know what they're supposed to tell us- they tell us one thing today, something else tomorrow. We're finding that very problematic as we're trying to get going.

Another participant stated a similar belief:

One of the assistant commissioners, his whole responsibility has been to look at this legislation and interpret it for the state and for the local districts. And, as I said, it keeps changing. He comes back with, "well, this has changed and that's changed." So people are kind of taking a wait-and-see attitude- we're not scurrying around as much as we may because things just keep changing.

On the other hand, participants from states that were early adopters of standards-based reform and accountability under the Improving America's Schools Act (IASA) of 1994 experienced less frustration with NCLBA requirements and guidance. Indeed, the two participants from such states were the only ones who spoke positively about their states' leadership. One participant commented: "In terms of implementation, we've had excellent guidelines, excellent directions from the state. We're very fortunate. We've for several years had state standards and a high-stakes test in place." Another participant added: "Obviously, many of the features of No Child Left Behind have already been in the state for quite a while."

A specific area of confusion emerged from the focus groups relating to how scores measured against the alternate achievement standards should be included in the accountability system. Several participants expressed the belief that there was a 1% cap on the number of students who could take the alternate assessment. For example, one participant asked "Do we break the law by testing more than the 1% allowed on the alternate assessment?" Another stated "We're supposed to be making sure that only 1% will be taking this alternate assessment."

"In terms of implementation, we've had excellent guidelines, excellent directions from the state. We're very fortunate."

Several participants questioned the likelihood that the current reform effort of NCLBA would stay the distance. One participant said: “You know, they’re going down one road, and the next minute somebody comes up with another idea, another administration, they back down from controversial reform too.” Another participant said: ““I’ve been around long enough to know that they retreat from things very quickly.” Even participants who expressed an optimistic viewpoint premised this upon the need to maintain the reform effort:

So, in the long run, we will make progress, but we will take ten years- at least, to see any- and then we’ll have to stick with it. That’s one of the things I think we don’t do in education- we don’t stick with anything long enough.

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Discussion

This Issue Brief presents the views of thirteen individuals, all in special education leadership positions in selected urban school districts in the United States, concerning the opportunities and challenges their districts face in implementing key NCLBA requirements for students with disabilities. Results from a survey and two focus groups reveal that district leaders see both opportunities and challenges in NCLBA. Interestingly, the findings were similar across districts, despite differences in geographic location, district size, and student characteristics. Some specific issues relate to multiple themes, thus highlighting the complex nature of many topics within the field of education, particularly special education. Although this study was small in scale and the participants cannot be considered a random sample, the data gathered is both relevant and informative.

In large part, the comments of our participants reflect schools’ and districts’ initial reactions to NCLBA. In terms of participation in assessments findings indicate resistance on the part of some school principals, educators, and parents to this requirement. Principals are fearful that their schools will fail to meet AYP targets because the poor performance of students with disabilities on regular state assessments. As a result some principals were reluctant to have students with disabilities in their schools or were putting pressure on teachers and

IEP teams to assess them by way of an alternate assessment. However, participants did not recognize that this was largely futile given that only a certain percentage of advanced and proficient scores from the alternate assessments could be included in the accountability system.

Educators and parents, according to our participants, were concerned over the appropriateness of state assessments for students with disabilities, in particular those who were between the tests. In addition some participants expressed frustration with the alternate assessment, pointing out that it was cumbersome, unreliable, and that its only purpose was compliance.

Some participants presented their districts as being overwhelmed by the performance requirement of NCLBA, and confirmed the belief that students with disabilities as a target group frequently performed poorly on state assessments. They described principals and teachers in fear of losing their jobs and schools at risk of diminished reputations because their schools did not meet AYP. One reaction that many district special education leaders discussed with particular apprehension was the impulse on the part of schools to hide low-achieving students, especially those with disabilities. They saw, after hard-fought improvements in providing least restrictive environment for students with disabilities, principals and teachers suddenly reluctant to have these students included in regular education classrooms. Some even worried that districts would revert to center schools, as they were forced to contend with principals over where to place programs for students with special needs.

Many of our participants saw the requirement for highly qualified teachers as the most problematic of the personnel components of NCLBA, but added that a shortage of effective principals was an equally serious issue. Several participants told us that their districts were hiring teachers from alternate certification programs as a way of meeting this requirement. Others discussed initiatives directed at increasing the capacity of existing teachers. Several participants pointed out that the shortage of principals could worsen given the focus in NCLBA on school level performance.

Participants also discussed very positive aspects of NCLBA, especially in relation to curriculum and support programs. Some participants expressed the view that in the long term special education numbers would decrease as more help became available for struggling students in general education. Extended school day, summer programs, and research based reading programs were all mentioned.

A difference emerged between the attitudes of participants from states with experience in performance-based accountability and those unfamiliar with it. Participants from the former were more reconciled to NCLBA and saw it as a way to support existing reform in the state. Participants from the latter had taken a wait and see approach to the new legislation and questioned its staying power.

In addition to describing largely knee-jerk reactions to the new legislation, some district leaders in our sample also demonstrated fundamental, though perhaps understandable, misconceptions and a lack of knowledge regarding No Child Left Behind and students with disabilities. Others admitted they were frustrated by the lack of practical information, continually changing guidance, and logistical problems in meeting school choice requirements.

Conclusion

Findings from this study indicate that in order for the No Child Left Behind Act to be effectively implemented, several things will likely be necessary. First, policies and procedures related to the legislation need to be clearly understood by all, from state and district leaders, to principals and teachers, to parents and the public at large. Misconceptions about the law often exacerbate people's panic and anger, especially given the high stakes involved. The prevalence of misunderstandings and lack of knowledge among our sample suggest that this is a potentially serious problem.

Second, educators must recognize the inherent shift in perceptions regarding students with disabilities necessitated by NCLBA. Hiding special education students or collectively holding

them to lesser standards is no longer acceptable or easy. Rather than simply identifying students who are significantly behind and making subsequent placement and program decisions, educators are to expect and ensure that, unless they have significant cognitive disabilities, they will show grade-level proficiency. Thus, regardless of where they are placed, be it a self-contained or an inclusive classroom, schools and districts are accountable for their success.

Third, programs and interventions aimed at struggling students must be widely available and effective with all students. This requires funding, personnel, and conscientious use of data. Indeed, the prediction of a reduction in special education numbers reflects an assumption that many students currently receiving special education services could be fully supported without these services if effective teaching and intervention occurred.

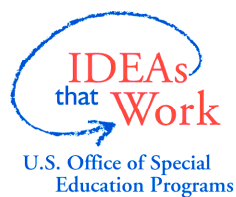
Fourth, efforts designed to increase the capacity of all educators must be ongoing. Participants reflected mixed feelings on the quality of the training provided by alternate certification programs, although many reported that this was the solution they had adopted for meeting the highly qualified teacher requirement.

Certainly many questions raised by these participants are yet to be answered. As the nation's schools and school districts struggle to achieve the goal of leaving no child behind, issues regarding implementation are inevitable. Undoubtedly, the mix of high stakes and high expectations will prove to be a challenging combination, and how students with disabilities are to be considered within its parameters is likely to remain a controversial issue for quite some time. For students with disabilities, the expectation is that they will access the standards, participate in assessments and be included in educational accountability systems as their non-disabled peers. Much of the responsibility for meeting these expectations rests with local districts and individual schools and few would say that this is an easy task.

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1308 Benjamin Building
College Park, Maryland 20742-1161
tel: 301.405.6509 • fax: 301.314.9158 • www.eprri.org

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